

### **REMARKS**

Claims 1-17 and 19-57 were pending before this amendment. Claim 34 has been amended to remove its dependency from multiply dependent claims 31 and 32. Claim 57 has been canceled.

#### **I. The claim objection**

Claim 57 has been objected to for failing to further limit the subject matter of a previous claim. Claim 57 has been canceled. Thus, this objection should be withdrawn.

#### **II. The provisional obviousness-type double patenting rejections**

The Office Action includes eight provisional obviousness-type double patenting rejections over various combinations of the following references: U.S. Patent No. 3,066,075; U.S. Patent No. 6,475,493; U.S. Patent No. 6,913,768; U.S. Patent No. 6,322,819; U.S. Patent No. 6,605,300; U.S. Patent Application No. 11/091,010; U.S. Patent Application No. 11/091,011; U.S. Patent Application No. 10/443,151; U.S. Patent Application No. 11/030,174; and U.S. Patent Application No. 11/774,697. *See*, Office Action, pages 2-32.

Applicant respectfully requests that the double patenting rejection based on U.S. Patent No. 6,475,493 be withdrawn because the '493 patent is not prior art for the reasons set forth in section III, below. Applicant requests that the remaining provisional rejections be held in abeyance until allowable subject matter has been identified in this application.

#### **III. The obviousness rejection**

Claims 1-17 and 19-57 have been rejected as obvious over U.S. Patent No. 6,475,493 in view of U.S. Patent No. 3,066,075. *See* Office Action, pages 33-39. The '493 patent has a priority date of September 2, 1999. The instant application is a continuation of U.S. Application No. 10/172,705

(abandoned), which is a continuation of the application that matured into the '300 patent, which is a continuation-in-part of the application that matured into the '819 patent. The '819 patent was filed on October 21, 1998.

Matter added to the instant application (via the '300 c.i.p. of the '819) includes the express recitation of the amphetamine salts included in ADDERALL® (i.e., dextroamphetamine sulfate, dextroamphetamine saccharate, amphetamine aspartate monohydrate and amphetamine sulfate). Each of the instant independent claims (i.e., claims 1, 6, 10, 15, 19, 42, and 53) recites these amphetamine salts. Thus, to be entitled to the '819 priority date, support for the salts must be found in the '819 specification. This support can be found in the '819 specification because it discloses ADDERALL®, which includes the instantly claimed amphetamine salts. *See*, '819 patent, col. 3, ll. 1-3; substitute specification, p. 4, ll. 21-24. Further, the '819 specification discloses that the composition comprises one or more pharmaceutically active amphetamine salts, and each of the claimed amphetamine salts was known to be pharmaceutically active at the time of filing. Thus, this rejection should be withdrawn because the '493 patent is not prior art to the instant claims, which have priority back to the '819 patent filing date.

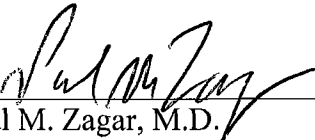
### **CONCLUSION**

No new matter has been added by these amendments. In view of the comments and amendments set forth above, each of the presently pending claims in this application is believed to be in immediate condition for allowance.

If there are any other issues remaining which the Examiner believes could be resolved through either a Supplemental Response or an Examiner's Amendment, the Examiner is respectfully requested to contact the undersigned at the telephone number indicated below.

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Respectfully submitted,

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